

TITLE 16 DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements of arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites Hotel, 4550 La Jolla Village Drive, San Diego, California 92122. The telephone number is (858) 453-0400. The hearing will be held at 1:30 p.m., or as soon as practicable thereafter, on Friday, January 28, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, January 24, 2005, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1647.10, 1647.12, 1647.14, and 1647.16 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations Section 1044

Existing law requires a dentist who wants to administer Oral Conscious Sedation (OCS) to minor patients to meet certain educational criteria. Specific facility and equipment standards must also be met. This proposed change does not make any changes to either facility or educational requirements. This proposed language will make changes that are non-substantive; a few add clarity to a specific section, and one change will require additional documentation in the patients' sedation records.

Section 1044 regulates the OCS for Minor Patients Program administered by the Dental Board of California. At the Board meeting of August 2002, the Anesthesia Committee recommended to the Dental Board members that an independent panel of experts be assembled to review existing regulations for this program. There have been several studies conducted in this field the last several years, and Board members believe it is prudent for the protection of the public to stay current on all OCS issues. The Board concurred on forming a panel and experts were asked to review the regulations. Those findings of the panel were brought to the Board on November 4, 2003. There have been several committee meetings since that time where findings were discussed and decisions

made about which recommendations to implement. These changes have been derived from this report.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined the proposed regulation would not affect small businesses because this regulation contains changes that are non-substantive; a few add clarity to a specific section and one change will require additional documentation in the patients sedation records.

CONSIDERATION OF ALTERNATIVES

The Dental Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information, upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name:	Linda M. Madden
Address:	1432 Howe Avenue, Suite 85 Sacramento, California 95825
Telephone:	(916) 263-2300
Fax Number:	(916) 263-2140
E-Mail Address:	linda_madden@dca.ca.gov

The back-up contact person is:

Name:	Anita Dowty
Address:	1432 Howe Avenue, Suite 85 Sacramento, California 95825
E-Mail Address:	anita_dowty@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Linda Madden (916) 263-2300, ext. 2327.

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov